

108TH CONGRESS
2D SESSION

H. R. 4700

To provide special authority to the Secretary of Agriculture to convey certain Forest Service administrative sites in the White River National Forest in Colorado, to reserve the proceeds from such conveyances to help resolve the facilities needs of that national forest, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2004

Mr. McINNIS introduced the following bill; which was referred to the
Committee on Resources

A BILL

To provide special authority to the Secretary of Agriculture to convey certain Forest Service administrative sites in the White River National Forest in Colorado, to reserve the proceeds from such conveyances to help resolve the facilities needs of that national forest, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “White River National
5 Forest Improvement Act of 2004”.

1 **SEC. 2. ADMINISTRATIVE SITES CONVEYANCE AUTHORITY,**
2 **WHITE RIVER NATIONAL FOREST, COLO-**
3 **RADO.**

4 (a) FINDINGS.—The Congress finds the following:

5 (1) The White River National Forest in Colo-
6 rado (in this section referred to as the “Forest”) is
7 one of the most visited recreation forests in the
8 United States, but the administrative facilities of the
9 Forest have become outdated and prohibitively ex-
10 pensive to operate and maintain.

11 (2) The recently completed facility master plan
12 for the Forest, entitled “Facility Master Plan, White
13 River National Forest” and dated March 2003, in-
14 cluding Appendix 3 of the plan, entitled “Baseline
15 Analysis and Strategic Recommendations” (in this
16 section referred to as the “Facility Master Plan and
17 Appendix 3”), provides an excellent model for solv-
18 ing the facilities needs of the Forest so as to better
19 serve the public and otherwise fulfill the mission of
20 the Forest.

21 (b) SPECIAL CONVEYANCE AUTHORITY.—

22 (1) AUTHORITY PROVIDED.—The Secretary of
23 Agriculture is authorized to sell, lease, exchange or
24 otherwise convey, under such terms and conditions
25 as the Secretary may prescribe, any or all right,
26 title, and interest of the United States in and to the

1 following parcels of real property, including improve-
2 ments thereon, within the Forest, as identified for
3 disposal in the Facility Master Plan and Appendix
4 3:

5 (A) PARCEL A.—Shop/Barracks/Residen-
6 tial Compound, 10.9 acres, more or less.

7 (B) PARCEL B.—Eagle D.O. and dwelling
8 unit, 0.3 acres, more or less.

9 (C) PARCEL C.—Eagle Shop/Pasture com-
10 pound, 8.0 acres, more or less.

11 (D) PARCEL D.—Washington Street Resi-
12 dence, 0.2 acres, more or less.

13 (E) PARCEL E.—Holy Cross D.O. (Dowd
14 Junction), 10 acres, more or less.

15 (F) PARCEL F.—Martin Property, 11.7
16 acres, more or less.

17 (G) PARCEL G.—Bone Yard/Storage Area,
18 5 acres, more or less.

19 (H) PARCEL H.—Housing Compound, 7
20 acres, more or less.

21 (I) PARCEL I.—Cross Creek Parcel, 10
22 acres, more or less.

23 (J) PARCEL J.—Dwelling 355 Fairway,
24 0.2 acres, more or less.

1 (K) PARCEL K.—Dwelling 236 Fairway,
2 0.2 acres, more or less.

3 (L) PARCEL L.—Sopris D.O. (Site #300),
4 1.2 acres, more or less.

5 (M) PARCEL M.—Sopris Pasture (Site
6 #380), 11 acres, more or less.

7 (N) PARCEL N.—Old Tree Nursery (Site
8 #360), 29 acres, more or less.

9 (O) PARCEL O.—SO Shop (Site #610),
10 0.66 acres, more or less.

11 (P) PARCEL P.—Airport Site, 4.0 acres,
12 more or less.

13 (2) INCLUSION OF ADDITIONAL PARCELS.—The
14 Secretary may use the authority provided by this
15 section to convey other real property in the Forest
16 that is excess or extraneous to the needs of the For-
17 est Service and is used predominantly for adminis-
18 trative purposes. The Secretary may include the ap-
19 proximately 3.0 acre administrative parcel in Aspen,
20 Colorado, but the Secretary may only convey that
21 parcel by lease or other contractual arrangement so
22 that the United States retains fee ownership of the
23 parcel.

24 (3) DESCRIPTIONS.—The Secretary may modify
25 the description of a parcel of real property referred

1 to in paragraph (1) to correct errors or to recon-
2 figure the parcel to facilitate a conveyance.

3 (c) CONSIDERATION.—

4 (1) ACCEPTANCE AND FORMS.—As consider-
5 ation for the conveyance of real property under this
6 section, the Secretary of Agriculture may accept
7 cash, land, improvements, operational and mainte-
8 nance services related to the administrative facilities
9 of the Forest, or a combination thereof.

10 (2) USE.—Subject to subsection (e), the Sec-
11 retary shall utilize the parcels of real property re-
12 ferred to in subsection (b)(1) and the consideration
13 received under this subsection in connection with im-
14 plementing the financial arrangements, including
15 public/private partnership transactions and full solu-
16 tion transactional packages, described in the Facility
17 Master Plan and Appendix 3. The Secretary may
18 modify the details of the Facility Master Plan and
19 Appendix 3 consistent with the goal of solving the
20 facilities needs of the Forest so as to better serve
21 the public and otherwise fulfill the mission of the
22 Forest.

23 (3) VALUATION.—Any appraisal of real prop-
24 erty considered necessary or desirable by the Sec-
25 retary to carry out a conveyance under this section

1 shall conform to the Uniform Appraisal Standards
2 for Federal Land Acquisitions.

3 (4) CASH EQUALIZATION.—Notwithstanding
4 any other provision of law, the Secretary may accept
5 a cash equalization payment in excess of 25 percent
6 of the value of any real property conveyed under this
7 section by exchange.

8 (d) METHODS AND MANNER OF CONVEYANCE.—

9 (1) SOLICITATIONS OF OFFERS.—The Secretary
10 of Agriculture may—

11 (A) solicit offers for the sale, lease, ex-
12 change, or other conveyance of parcels of real
13 property under this section on such terms and
14 conditions as the Secretary may prescribe; and

15 (B) reject any offer that the Secretary de-
16 termines is not adequate or not in the public in-
17 terest.

18 (2) USE OF COMPETITIVE METHODS.—The Sec-
19 retary shall convey a parcel of real property under
20 this section utilizing competitive processes, including
21 competitive solicitation by auction, bid, or otherwise,
22 except insofar as the Secretary determines that
23 other procedures are required to facilitate the con-
24 veyance of the parcel.

1 (3) USE OF BROKERS.—The Secretary may uti-
2 lize brokers or other third parties in the conveyance
3 of real property under this section and, from the
4 proceeds of the conveyance, may pay reasonable
5 commissions or fees for services rendered.

6 (e) TREATMENT OF RECEIPTS.—

7 (1) DEPOSIT IN SISK ACT FUND.—The Sec-
8 retary of Agriculture shall deposit the net receipts of
9 a conveyance under this section in the fund estab-
10 lished by Public Law 90–171 (commonly known as
11 the “Sisk Act”; 16 U.S.C. 484a).

12 (2) RELATION TO OTHER FOREST RECEIPTS.—
13 The receipts from a conveyance under this section
14 shall not be paid or distributed to the State of Colo-
15 rado or any county in the State under any provision
16 of law or otherwise be considered as moneys received
17 from the National Forest System for purposes of the
18 Act of May 23, 1908, or the Act of March 1, 1911
19 (16 U.S.C. 500), or the Act of March 4, 1913 (16
20 U.S.C. 501).

21 (3) USE OF RECEIPTS.—Amounts deposited
22 pursuant to paragraph (1) shall be available to the
23 Secretary for expenditure, without further appro-
24 priation, for the acquisition, construction, operation,
25 and maintenance of administrative improvements in

1 the Forest, including provisions for employee hous-
 2 ing, in connection with implementing the financial
 3 arrangements, including public/private partnership
 4 transactions and full solution transactional pack-
 5 ages, described in the Facility Master Plan and Ap-
 6 pendix 3, subject to such modifications of the Facil-
 7 ity Master Plan and Appendix 3 as the Secretary
 8 may make under subsection (c).

9 (f) MISCELLANEOUS PROVISIONS.—

10 (1) WITHDRAWAL.—Subject to valid existing
 11 rights, the parcels of real property referred to in
 12 subsection (b)(1) are withdrawn from location,
 13 entry, and patent under the mining laws of the
 14 United States.

15 (2) INAPPLICABLE AUTHORITIES.—Subchapters
 16 II and III of chapter 5 of title 40, United States
 17 Code, and the Agriculture Property Management
 18 Regulations shall not apply to any action taken pur-
 19 suant to this section.

20 (g) AUTHORIZATION FOR APPROPRIATIONS.—There
 21 are authorized to be appropriated such sums as are nec-
 22 essary to carry out this section.

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